

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicants respectfully request that the foregoing amendments be entered, at least because they narrow the issues for appeal.

Claim 1 is currently being amended. The amendment to claim 1 is supported throughout the specification, for example, in paragraph [0004].

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-18 are now pending in this application.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 3, 4, 6, 7, 13, 14 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,953,707 to Huang et al. ("Huang"). Claims 2 and 8-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of U.S. Patent 5,765,143 to Sheldon et al. ("Sheldon"). Claims 5 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang. Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of U.S. 2003/0130883 A1 to Schroeder et al. ("Schroeder"). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1, as amended to clarify that claim, recites:

A computer implemented method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network, comprising:

obtaining, *during a current product sales promotion*, via the network from a plurality of stores in a first region, each store associated with a respective distribution center within the first region, point of sale data for a first period of time less than a length of time allotted for a current product sales promotion;

causing, *during the current product sales promotion*, a computer calculation of a *product demand level over a remaining period of the current product sales promotion* for stores associated with at least one distribution center *based on an outlook model and the point of sale data*;

causing, during the current product sales promotion, a computer calculation of a product amount for the at least one distribution center based at least in part on the calculated product demand level for stores associated with the at least one distribution center; and

taking, during the current product sales promotion, an electronic action based on the product amount for the at least one distribution center.

Thus, in claim 1, POS data is obtained during a current product sales promotion, and a computer is caused to calculate during the promotion a product demand level over a remainder of the current product sales promotion based on the POS data obtained. Huang, and the remaining references applied in the rejection of the claims, fail to disclose at least this feature of claim 1.

Huang discloses a decision support system for the management of an agile supply chain (Title). Huang discloses analyzing market data and past demand history to estimate future demand requirements (col. 19, lines 31-34). The outputs of the Demand Management of Huang include the analysis of past history, future forecasts, and sales promotions (col. 19, lines 34-37). Huang also discloses in cols. 52 and 53 determining the effect of past and future promotions where the time period of the promotion is a parameter, and further discloses in col. 79, rolling horizon planning where production and delivery plans are made frequently using updated information about demands and production capacities.

In contrast to claim 1, however, Huang does not disclose calculating during the promotion a product demand level over a remainder of the current product sales promotion based on the POS data obtained during the current product sales promotion. While Huang discusses sales promotions effect in cols. 52 and 53, and rolling horizon planning in col. 79, nowhere does Huang disclose using POS data obtained during a current sales promotion to determine the product demand level over a remainder of the sales promotion. Nowhere does Huang disclose that its rolling horizon planning is used to determine a product demand level over a remainder of a current sales promotion based on POS data obtained during the promotion. The rolling horizon planning of Huang is not directed to determining product demand level over a remaining portion of a promotion.

The remaining references applied in the rejection of the claims were cited for other features of the claims, but fail to cure the deficiencies of Huang.

The dependent claims are patentable for at least the same reasons as independent claim 1, upon which they depend, either directly or indirectly.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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